

243014US3



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Kiyonori TSUDA, et al.

SERIAL NO: 10/667,301

FILED: September 23, 2003

TITLE: IMAGE FORMING APPARATUS USING A TONER CONTAINER AND A
PROCESS CARTRIDGE

**PETITION UNDER 37 CFR 1.137(a) REQUESTING THE WITHDRAWAL OF
HOLDING OF ABANDONMENT DUE TO UNAVOIDABLE DELAY**

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request that the holding of abandonment for the above-identified Application be withdrawn due to the fact that the Notice to File Missing Parts mailed by the Patent and Trademark Office on December 15, 2003 was not received by Applicants' Attorneys. The facts concerning this matter are as follows.

Upon receipt of mail from the Patent and Trademark Office in this firm, all mail is opened and logged in a daily computer log. The due date is entered in the firm computer docketing system. At the time of entry into the computer, the serial numbers are checked to ensure that the correct docket number appears on the mail so that the documents are entered in the correct application in the computer and matched with the correct application file. Any due dates resulting from the Patent and Trademark Office mail are also entered in the computer.

After receipt of the Notice of Abandonment, our computer system was checked. The computer Patent Due Dates section for the subject application did not show a current due date for

12/02/2004 HDEMESS1 00000036 10667301

31 FC:1464 130.00 OP

01/02/2004 08:15/2003 01/02/2004
01/02/2004 01/02/2004 01/02/2004
01/02/2004 01/02/2004 01/02/2004